

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MISSOURI  
WESTERN DIVISION**

|                                     |   |          |
|-------------------------------------|---|----------|
| MICHAEL'S CLOTHING COMPANY, INC.    | ) |          |
| For the use of PHOENIX INSURANCE CO | ) |          |
|                                     | ) |          |
| Plaintiff,                          | ) |          |
| vs.                                 | ) | Case No. |
|                                     | ) |          |
| SOUTHERN UNION COMPANY,             | ) |          |
| d/b/a MISSOURI GAS ENERGY,          | ) |          |
|                                     | ) |          |
| Defendant.                          | ) |          |

**NOTICE OF REMOVAL**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

COMES NOW Defendant Southern Union Company, d/b/a Missouri Gas Energy ("MGE"), and hereby removes this state court action pending in Jackson County, Missouri, to the U.S. District Court of Missouri, Western District, Western Division, pursuant to 28 U.S.C. §1441(a). In support thereof, MGE states as follows:

1. The present action is brought by plaintiff, a Missouri resident, against Defendant, a gas company, alleging negligence due to work on a gas pipeline. Attached as Exhibit A are copies of the process, pleadings and orders served upon MGE in this matter.
2. By letter dated October 23, 2002, counsel for Plaintiff advised MGE that the amount in controversy in this action is over \$600,000.00, which exceeds the jurisdictional requirement of \$75,000.00.
3. There is diversity of citizenship between the parties to this action.
4. Plaintiff is a Missouri corporations with its principle place of business in Missouri and

Defendant is a Delaware corporation with its principal place of business in Texas.

5. MGE was formally served with a copy of the initial pleading and Summons (See Exhibit A) on February 3, 2003.

6. MGE will file a copy of this Notice of Removal with the Circuit Court of Jackson County Missouri and provide a copy of same to plaintiff.

Respectfully submitted,

DYSART TAYLOR LAY  
COTTER & MCMONIGLE P.C.

By: s/Martin M. Montemore  
Martin M. Montemore #26895  
Jacqueline L. Mixon #37994  
4420 Madison Ave.  
Kansas City, MO 64111  
(816) 931-2700  
(816)931-7377 (FAX)

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of February, 2003, a copy of the foregoing has been mailed, United States Mail, postage prepaid, to the following parties:

Dean Nash  
Brian S. Franciskato  
Jeff Heinrichs  
McLeod Nash & Franciskato  
1100 Main Street, Suite 2900  
Kansas City, Missouri 64105

Richard W. Strawbridge  
S. Ellyn Farley  
Clausen Miller P.C.  
10 South LaSalle Street  
Chicago, Illinois 60603

s/Martin M. Montemore  
Attorney for Defendant